

Claim Status

Claims 1-10 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 is cancelled and new Claim 10 is added. Support for Claim 10 is in original Claim 1 and in the specification on pages 7 and 8. Furthermore, support for the underlined material is as follows:

that embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll and extend in the y-direction from the x-plane of the structure, (support for this amendment is found at pages 7-8 of the specification);

that the densified non-embossed sites have a density that is greater than the density of the non-densified embossed sites (support for this amendment is found at page 4, through page 5, lines 1-9 of the specification).

Claims 2-9 changed dependency from “1” to “10”, the basis for which is in the original claims.

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

REMARKS

The Office Action of 12/24/2009 indicates that claims 2-10 are rejected based on a defective reissue oath/declaration under 35 USC 251, since the Applicants did not give enough detail of how the error was corrected in the Declaration and gave deficient explanation of what specific limitations the original claims lacked or had in them with respect to the current claims in the Declaration.

The Reissue Application Declaration by The Assignee is resubmitted and attached hereto with a more detailed explanation as required.

Applicants are also resubmitting the Amendment herewith which also provides a detailed explanation.

When filed, Claim 1 of the present application was as follows:

1. An embossed multi-ply fibrous structure product comprising two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded embossed sites and the other face comprises adhesively bonded non-embossed sites, and wherein the fibrous structure product exhibits an embossment height of at least about 1000 μm .

On August 11, 2005 an amendment was presented and entered (additions are underlined):

Claim 1 (Currently Amended): An embossed multi-ply fibrous structure product comprising two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded embossed sites, where all of the two or more plies at the embossed site are embossed and the other face comprises adhesively bonded non-embossed sites where all of the two or more plies at the unembossed site are unembossed, and wherein the fibrous structure product exhibits an embossment height of at least about 1000 μm .

On Nov. 1, 2006 another amendment was presented and entered (additions and deletions are indicated):

Claim 1 (Currently Amended): An embossed multi-ply fibrous structure product comprising two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded embossed sites, wherein the embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll, ~~where all of the two or more plies at the embossed site are embossed~~ and the other face comprises adhesively bonded non-embossed sites ~~where all of the two or more plies~~

~~at the unembossed site are unembossed~~, and wherein the fibrous structure product exhibits an embossment height of at least about 1000 μ m.

On March 14, 2007, the following amendment was made to this patent application and entered with the filing of an RCE application (additions are underlined):

Claim 1 (Currently Amended): An embossed multi-ply fibrous structure product comprising two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded non-densified embossed sites, wherein the embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll, and the other face comprises adhesively bonded densified non-embossed sites, and wherein the fibrous structure product exhibits an embossment height of at least about 1000 μ m.

Therefore the above claim was the currently pending independent Claim 1 of application serial no. 10/673,659, as of March 14, 2007. The Examiner made a non-final rejection on May 31, 2007 in response to the filing of the RCE with this amendment. Thereafter a personal interview was conducted with the Patent Examiner on July 27, 2007. The claims 1-9 and 24¹ were discussed in this interview in relation to the Ruppel reference (US 3,846,636). Applicants' attorney displayed an embossed web sample as described in the Interview Summary. Applicants' attorney was to submit a Declaration under 37 CFR 1.132 with pictures of the embossed web sample following this interview with the Examiner. The 1.132 Declaration was thereafter submitted on July 31, 2007.

In this Declaration, reference was made on page 2 to Claim 1:

As presently amended, the invention at issue claims:

An embossed multi-ply fibrous structure product comprising two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of

¹ Claim 24 was later cancelled.

the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded non-densified embossed sites, wherein the embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll and extend in the y-direction from the x-plane of the structure, and the other face comprises adhesively bonded densified non-embossed sites, and wherein the fibrous structure product exhibits an embossment height of at least about 1000 μm , and wherein the densified non-embossed sites have a density that is greater than the density of the non-densified embossed sites (Claim 1).

The changes in this claim versus the Claim 1 pending as of March 14, 2007 are underlined as follows:

An embossed multi-ply fibrous structure product comprising two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded non-densified embossed sites, wherein the embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll and extend in the y-direction from the x-plane of the structure, and the other face comprises adhesively bonded densified non-embossed sites, and wherein the fibrous structure product exhibits an embossment height of at least about 1000 μm , and wherein the densified non-embossed sites have a density that is greater than the density of the non-densified embossed sites (Claim 1).

Applicants' attorney also submitted an amendment to Claim 1 with the Declaration on July 31, 2007. This amendment was different from the above text and was as follows:

Claim 1 (Currently Amended): 1. (Currently Amended) An embossed multi-ply fibrous structure product comprising an x-plane and a y-direction, two or more plies of fibrous structure bonded together along adjacent surfaces of the two or more plies by an adhesive to form a bond area, wherein the bond area is less than about 30% of the bonded adjacent surfaces, wherein the product comprises two faces, wherein one face comprises non-adhesively bonded embossed sites and the other face comprises adhesively bonded non-embossed sites, wherein the embossment sites are non-densified and wherein the non-embossed sites are densified wherein the density of the densified non-embossed sites is greater than the density of the non-densified embossed sites, and the embossed sites extend in the y-direction from the x-plane of the embossed multi-ply fibrous structure product, wherein the fibrous structure product exhibits an embossment height of at least about 1000 μm , and wherein the embossed multi-ply fibrous structure product, when in roll form, exhibits an average effective caliper that is greater than the average sheet caliper of an identical multi-ply fibrous structure in its non-embossed form.

Applicants' attorney mistakenly, and without deceptive intent, copied and inserted the Claim 1 from a related application serial number 10/950,706 (P&G docket 9372R) (the "Related Application"). Applicants' attorney had also interviewed the Related Application with the same Examiner on the same date as this application. Applicant also submitted the identical claim amendment in the Related Application on the same date. The Related Application issued as US 7,314,664, on Jan. 1, 2008. The present application issued as US 7,314,663 on Jan. 1, 2008. The '663 patent and the '664 patent contain identical claims.

Therefore Applicants' attorney mistakenly submitted the incorrect text of Claim 1 in the present application. The correct text was identified in the 1.132 Declaration submitted on July 31, 2007 in the present application. This preliminary amendment now includes the proper text of Claim 1.

Conclusion

This response represents an earnest effort to place the present application in proper form. In view of the foregoing, entry of the amendment presented, reconsideration

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of this application, allowance of the pending claims and reissuance of this application are respectfully requested.

Respectfully submitted,

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